

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

**ALLEN GAINOUS,**

**Plaintiff,**

**v.**

**Case No. 6:23-cv-1770-CEM-EJK**

**VOLUSIA COUNTY COURT  
SYSTEM,**

**Defendant.**

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**ORDER**

THIS CAUSE is before the Court on initial review of the Letter/Complaint (“Complaint,” Doc. 1) filed by Plaintiff. Plaintiff initiated this case by filing the Complaint.

Plaintiff is incarcerated at the Volusia County Branch Jail (“Jail”) and proceeding *pro se*. It is not clear if Plaintiff seeks civil rights relief or habeas corpus relief. Plaintiff failed to either pay the required filing fee or submit a motion for leave to proceed *in forma pauperis*.

Plaintiff has failed to allege the basis upon which he requests relief or the manner in which this Court has jurisdiction over this case. As currently written, the Complaint, which is written as a letter, fails to contain much of the information

required in a civil rights complaint or a habeas petition, and it is not written on the civil rights or habeas corpus form required for use by *pro se* litigants.

If Plaintiff chooses to file a civil rights complaint in this Court to address any alleged constitutional violations, he must submit a fully completed civil rights complaint form for cases filed by incarcerated individuals pursuant 42 U.S.C. § 1983, and he must submit a copy of the form for each Defendant for service of process. The form requires a plaintiff to include detailed information regarding the defendant(s) a plaintiff intends to sue, the plaintiff's litigation history, a statement of the plaintiff's claims and facts, and the relief the plaintiff requests. If Plaintiff chooses to file a federal habeas petition, he must submit a fully completed federal habeas corpus form.

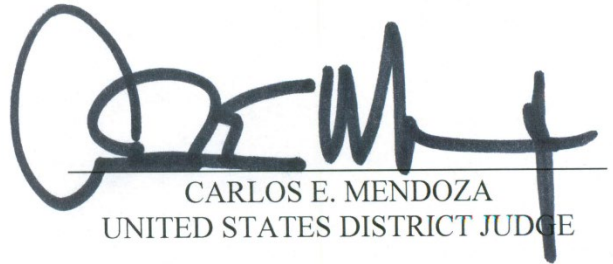
If Plaintiff desires to proceed *in forma pauperis* in this Court, he must submit a fully completed affidavit of indigency. The Clerk's Office shall send to Plaintiff the form for a civil rights complaint, the form for a federal habeas corpus petition (28 U.S.C. § 2254), and the form for a motion for leave to proceed *in forma pauperis*. If Plaintiff chooses to file a new case, he may complete and submit the appropriate forms. Plaintiff should not place this case number on the form(s), as the Clerk of the Court will assign a separate case number.

As a result, this case will be dismissed without prejudice to give Plaintiff the opportunity to properly file a civil rights complaint or federal habeas corpus petition

and to either pay the appropriate filing fee or submit an affidavit of indigency to the Court.

Accordingly, it is **ORDERED** and **ADJUDGED** that this case is **DISMISSED without prejudice**. The Clerk of the Court is directed to close this case.

**DONE** and **ORDERED** in Orlando, Florida on September 18, 2023.



CARLOS E. MENDOZA  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Unrepresented Party